

Message Text

SECRET

PAGE 01 SAIGON 00691 161319Z

50

ACTION EA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 IO-14 AID-20 DPW-01 DRC-01 /128 W

----- 115664

R 161130Z JAN 74

FM AMEMBASSY SAIGON

TO SECSTATE WASHDC 837

INFO USDEL JEC PARIS

S E C R E T SAIGON 691

E.O. 11652: GDS

TAGS: PGOV, PINT, VS

SUBJECT: PROPOSED AMENDMENTS TO VIETNAMESE CONSTITUTION

REF: SAIGON 609

1. OF THE THREE CONSTITUTIONAL AMENDMENTS INTRODUCED INTO THE NATIONAL ASSEMBLY JANUARY 15 (REFTEL, THE AMENDMENT PROVIDING FOR CONTINUING APPOINTMENT OF PROVINCE CHIEFS AND MAYORS THROUGH THE PRESENT PRESIDENTIAL TERM IS COMPARATIVELY NON-CONTROVERSIAL. MOST OBSERVERS AGREE THAT WITH THE CONTINUING COMMUNIST MILITARY PRESSURE ON THE GVN IT WOULD BE POLITICALLY DESTABILIZING TO HOLD PROVINCE CHIEF AND MAYORALTY ELECTIONS AT THIS TIME. IT IS ALSO GENERALLY UNDERSTOOD THAT SO LONG AS THE PRIME DUTY OF PROVINCE CHIEFS IS TO MAINTAIN MILITARY SECURITY IT WOULD NOT BE REALISTIC TO CHOOSE THEM OTHER THAN BY APPOINTMENT.

2. THE PROPOSED AMENDMENT GIVING THE MINISTRY OF JUSTICE A ROLE IN THE NOMINATION OF SUPREME COURT JUSTICES MAY STIR UP MORE COMMENT. LEADING PROPONENTS OF THE PRESIDENT'S POSITION IN THE NATIONAL ASSEMBLY HAVE CONFIDED TO US THAT THIEU'S MOTIVE IN PROPOSING THIS CHANGE IS TO ELIMINATE CORRUPTION IN THE JUDICIARY SO THAT THE COURTS CAN BE DEPENDED ON TO METE OUT JUSTICE IN CORRUPTION CASES. HE FEELS THAT THIS IS NOT POSSIBLE SO LONG AS THE SUPREME COURT JUSTICES, WHO HAVE RESPONSIBILITY FOR ADMINISTERING THE JUDICIAL SYSTEM, ARE NOMINATED BY THE THREE ASSOCIATIONS OF

SECRET

SECRET

PAGE 02 SAIGON 00691 161319Z

JUDGES, PROSECUTORS, AND LAWYERS. IF IN FACT THE CHANGE DOES

FORESHADOW STRICTER ENFORCEMENT OF ANTI-CORRUPTION LAWS, IT SHOULD BE MOST WELCOME TO THE GENERAL PUBLIC. HOWEVER, IT IS LIKELY THAT IT WILL BE ATTACKED BY THE LESS RESPONSIBLE OPPOSITION AS AN EFFORT TO BRING THE SUPREME COURT MORE UNDER PRESIDENTIAL SWAY.

3. MOST CONTROVERSIAL OF COURSE IS THE PROPOSAL TO AMEND THE CONSTITUTION TO PERMIT A THIRD PRESIDENTIAL TERM AND TO EXTEND THE TERMS FROM FOUR TO FIVE YEARS. ALTHOUGH THIS AMENDMENT HAS BEEN ANTICIPATED FOR MANY MONTHS, IT WAS NOT EXPECTED THAT IT WOULD BE RAISED IN THE NATIONAL ASSEMBLY UNTIL THE END OF 1974.

4. THIEU APPARENTLY HESITATED LONG BEFORE DECIDING TO AGREE FOR ASSEMBLY LEADERS TO THIS AMENDMENT NOW. WE ARE INFORMED BY NATIONAL ASSEMBLY LEADERS IN HIS CONFIDENCE THAT HE FINALLY YIELDED TO PRESSURE FROM HIS ADVISERS WHO ARGUED THAT BY PUTTING OUT THE SIGNAL THAT THE PRESIDENT WOULD BE CANDIDATE FOR A THIRD TERM THE AMENDMENT WOULD BE A STABILIZING FACTOR. WE AGREE WITH THIS REASONING SINCE WITHOUT SUCH AN AMENDMENT THIEU WOULD INCREASINGLY BECOME A LAME DUCK AND CONTENTION FOR THE SUCCESSION AMONG VARIOUS ASPIRANTS WOULD BEFORE LONG BECOME A DISTURBING FACTOR.

5. THIEU HAS TOLD THOSE CLOSE TO HIM THAT HE HAS SERIOUS RESERVATIONS ABOUT RUNNING FOR ANOTHER TERM. IF IN 1975 WHEN HIS PRESENT TERM EXPIRES REASONABLE STABILITY IS ACHIEVED, THE MILITARY SITUATION IS IMPROVED, THE NATION'S ECONOMY HAS BEGUN TO MOVE FORWARD AND HIS ADMINISTRATIVE REFORM PROGRAM IS A SUCCESS, HE WOULD PREFER TO RETIRE FROM THE PRESIDENCY AND HE FEELS HE COULD DO SO WITH PRIDE IN WHAT HE HAD DONE FOR HIS COUNTRY. THIEU HAS SPOKEN IN THIS VEIN BEFORE AND WE HAVE NO REASON TO DOUBT HIS SINCERITY; HE IS HOWEVER A REALIST WHO MUST APPRECIATE THAT THERE IS LITTLE CHANCE THAT SOUTH VIET-NAM WILL BE ABLE TO RESOLVE ITS MASSIVE PROBLEMS IN THE LESS THAN TWO YEARS THAT REMAIN OF HIS SECOND TERM.

6. PRESIDENT THIEU IS OF COURSE AWARE THAT THIS AMENDMENT WILL BE SEIZED ON BY HIS DETERMINED DETRACTORS IN THE U.S. HOWEVER, AS HE HAD TOLD HIS CLOSE ADVISERS, HE THINKS THIS ELEMENT IN THE U.S., WHICH HAS SHOWN ITS POWER TO USE MASSIVE DISTORTION AS A
SECRET

SECRET

PAGE 03 SAIGON 00691 161319Z

WEAPON IN ITS EFFECTIVE ACTION AGAINST POLICE PROGRAMS IN THE APPROPRIATION BILL, WOULD GAIN LITTLE NEW STRENGTH BY EXPLOITING THIS AMENDMENT. WE ARE INCLINED TO THINK HE IS RIGHT IN THIS. AS LONG AS THE POSSIBILITY OF A THIRD TERM HANGS FIRE IT IS AN ISSUE WHICH CAN BE TURNED AGAINST THE GVN. ONCE THE AMENDMENT IS AN ACCOMPLISHED FACT, IT BEGINS TO WITHER AS AN ISSUE.

7. ANOTHER REASON WHY PRESIDENT THIEU DECIDED TO GO AHEAD WITH

THE THIRD-TERM AMENDMENT IS THAT TO PASS THE THREE AMENDMENTS THROUGH THE NATIONAL ASSEMBLY WITH THE REQUIRED TWO-THIRDS VOTE THE SUPPORT OF SOME OPPOSITION MEMBERS IS NEEDED. IN PARTICULAR, THE ADMINISTRATION IS SURE NOW OF THE SUPPORT OF PROFESSOR HUY OF THE PROGRESSIVE NATIONALIST MOVEMENT AND TRAN QUOC BUU OF THE CVT; BUT AFTER MARCH HUY AND BUU WILL BE LESS BEHOLDEN TO THE ADMINISTRATION AND MORE INCLINED TO ASSERT THEMSELVES AS OPPOSITION. THIS IS BECAUSE THE PRESIDENT HAS DECIDED TO HELP HUY'S AND BUU'S NEW PARTY TO QUALIFY AS A POLITICAL PARTY BEFORE THE END OF MARCH IN ORDER TO FORM A RESPECTABLE AND CREDIBLE OPPOSITION.

8. ALTHOUGH WE HAVE NO DIRECT EVIDENCE ON THE POINT, WE FEEL IT LIKELY THAT THE PRESIDENT AND HIS ADVISERS MAY ALSO HAVE TAKEN INTO ACCOUNT THE PRESENT DEMORALIZED STATE OF AN QUANG AND THE OPPOSITION GENERALLY WHICH MAKES IT UNLIKELY THAT IT WOULD BE ABLE TO MOUNT EFFECTIVE OPPOSITION TO THE PROPOSED AMENDMENTS. THE COUNTRY IS ALREADY BECOMING PREOCCUPIED WITH THE TRADITIONAL TET FESTIVITIES AND THIS MAKES ANY MANIFESTATION OF OPPOSITION ALL THE LESS LIKELY.
MARTIN

SECRET

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CENTRAL LEGISLATURE, CONSTITUTIONAL AMENDMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 16 JAN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: kelleyw0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974SAIGON00691
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: n/a
From: SAIGON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740138/aaaabjie.tel
Line Count: 136
Locator: TEXT ON-LINE
Office: ACTION EA
Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: SECRET
Previous Handling Restrictions: n/a
Reference: SAIGON 609
Review Action: RELEASED, APPROVED
Review Authority: kelleyw0
Review Comment: n/a
Review Content Flags:
Review Date: 24 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <24 APR 2002 by boyleja>; APPROVED <30-Sep-2002 by kelleyw0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PROPOSED AMENDMENTS TO VIETNAMESE CONSTITUTION
TAGS: PGOV, PINT, VS
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005